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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Jeffrey R. Sampson

Serial No.: 09/836,012

Filed: April 17, 2001

Confirmation No.: 6991

Group Art Unit: 1637

Examiner: Chunduru, S.

Docket No. 10992513-1

For: **Methods and Reagents for Analyzing the Nucleotide Sequence of Nucleic Acids**

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mailstop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the outstanding Notice of Non-Compliant Appeal Brief of August 2, 2006,

Applicant submits the following remarks.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Agilent Technologies, Inc. Deposit Account No. 50-1078.

REMARKS

In the outstanding Notice of Non-Compliant Appeal Brief of August 2, 2006, it is alleged that Applicant's Appeal Brief filed on January 23, 2006 is defective for failing to contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters (37 CFR 41.37 (c)(1)(v)). In this regard, Applicant submits herewith a Revised (Corrected Version) Appeal Brief.

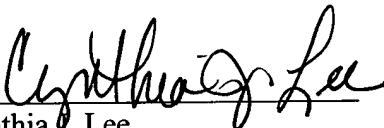
CONCLUSION

Applicant respectfully requests that the Patent Office accept and consider the Appeal Brief submitted herewith. If the Examiner has any questions or comments regarding this paper, the Examiner is encouraged to telephone Applicant's undersigned counsel.

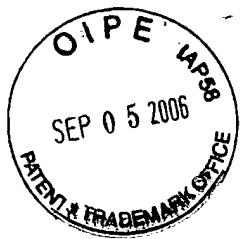
Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:


Cynthia T. Lee
Reg. No. 46,033

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599



CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

on August 30, 2006

Lindsey Corbin
Lindsey Corbin

In Re Application of:

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The following is a list of documents enclosed:

Return Postcard
Response to Notification of Non-Compliant Appeal Brief
Appeal Brief (Corrected Version)

Further, the Commissioner is authorized to charge Deposit Account No. 50-1078 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 50-1078.